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Security Council

Sixtieth year

Provisional

5329th meeting

Thursday, 15 December 2005, 5.25 p.m.

New York

President:	Sir Emyr Jones Parry	(United Kingdom of Great Britain and Northern Ireland)
Members:	Algeria	Mr. Baali
	Argentina	Mr. Mayoral
	Benin	Mr. Idohou
	Brazil	Mr. Tarrisse da Fontoura
	China	Mr. Zhang Yishan
	Denmark	Ms. Løj
	France	Mr. De La Sablière
	Greece	Mrs. Papadopoulou
	Japan	Mr. Oshima
	Philippines	Mr. Lacanilao
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	United Republic of Tanzania	Mr. Manongi
	United States of America	Mr. Bolton

Agenda

The situation in the Middle East

Letter dated 12 December 2005 from the Secretary-General addressed to the President of the Security Council (S/2005/775)

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05-64703 (E)

The meeting was called to order at 5.25 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Letter dated 12 December 2005 from the Secretary-General addressed to the President of the Security Council (S/2005/775)

The President: I should like to inform the Council that I have received letters from the representatives of Lebanon and the Syrian Arab Republic in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Assaf (Lebanon) and Mr. Mekdad (Syrian Arab Republic) took seats at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them photocopies of a letter dated 12 December 2005 from the Secretary-General addressed to the President of the Security Council transmitting the report of the United Nations International Independent Investigation Commission prepared pursuant to resolutions 1595 (2005) and 1636 (2005). The letter and its enclosure will be issued as a document of the Security Council under the symbol S/2005/775.

I should like to draw the attention of members to documents S/2005/762 and S/2005/783, which contain letters dated 5 December and 13 December 2005, respectively, from the chargé d'affaires ad interim of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General.

Members of the Council have before them document S/2005/788, which contains the text of a draft resolution submitted by France, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I welcome the presence at this meeting of the Secretary-General, His Excellency Mr. Kofi Annan.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Algeria, Argentina, Benin, Brazil, China, Denmark, France, Greece, Japan, Philippines, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1644 (2005).

I shall now give the floor to those representatives who wish to make statements after the voting.

Mr. Baali (Algeria) (*spoke in French*): Algeria has vigorously condemned the assassination of Mr. Rafik Hariri ever since the commission of that abominable crime and has insisted that light be shed on the matter and that the perpetrators, whoever they are and wherever they might be, be brought to justice.

Those concerns prompted us to play an active role in the negotiations that led to the Security Council's unanimous adoption of resolution 1595 (2005), which established the international Commission responsible for helping the Lebanese to establish the facts. We helped to ensure that the Commission had the full support of the Security Council and that it would be able to carry out its mission with full independence. Similarly, during negotiations on resolution 1636 (2005), we strove to provide the Commission with the means and resources to enable it fulfil its mandate and to ensure the full cooperation of all the parties concerned.

The Council has just considered the second progress report. The report's conclusions are not final,

and need to be corroborated. We are convinced that, in order to safeguard the credibility of the report and the work of the Commission, consideration of the report must be free from any influence that could harm one party or another. In this regard, we welcome the agreement reached concerning the location and conditions for hearing the Syrian witnesses, as well as the cooperation shown by Syria — and borne out in actions — and we urge it to continue in the same direction and, in particular, to comply with resolution 1636 (2005). The letters recently addressed by Syria to the Security Council confirm that willingness to cooperate.

We also note with satisfaction the readiness of the Council to give positive consideration to the request for the expansion of the mandate of the Commission investigating the assassination of Mr. Hariri to consider the other attacks that have taken place since 1 October 2004. We have fully supported that request, first of all because it came directly from the Lebanese Government, but also because there could be links between the various attacks that have taken place in Lebanon. Although not completely satisfactory, the wording agreed upon by the Security Council relating to that request and to the establishment of a tribunal of an international character constitutes a clear commitment on the part of the international community to Lebanon, and we can therefore welcome it.

Finally, we have sought and obtained assurances that the Security Council will refrain from any premature or inappropriate action, given the stage that the investigation has reached and the common objectives that we are pursuing. That is why, while pointing out that the language in the resolution just adopted concerning the degree of cooperation by Syria with the Investigation Commission does not do justice to the goodwill that has been shown by that country, we nevertheless chose to preserve the unity of the Council and voted in favour of the text that was submitted.

Mr. Zhang Yishan (China) (*spoke in Chinese*): We have taken note of the report submitted to the Security Council by Mr. Mehlis, head of the International Independent Investigation Commission. The Commission is making fresh headway in its investigation, but it has not yet finished its work. Much remains to be done. We have also taken note of the recent request by Lebanon, and we express our full understanding in that respect.

The main purpose of resolution 1644 (2005), which the Council has just adopted, is to extend the mandate of the International Independent Investigation Commission so that it can continue to assist the Lebanese Government in establishing the facts regarding the assassination of Mr. Hariri. For those reasons, China voted in favour of resolution 1644 (2005). We hope that, given the efforts and cooperation of all the parties concerned, the Commission will soon uncover the truth of the matter.

Mr. Denisov (Russian Federation) (*spoke in Russian*): Right up until the time of today's vote, the members of the Council continued to work on the draft resolution containing the response of the Security Council to the latest report of the Mehlis Commission. We had very much hoped that Council members would be able to overcome their differences of opinion and reach a consensus on that document. Despite the continuing divergences of view, we were able to come to an agreement, and the resolution was adopted unanimously.

We proposed our own amendments to the texts prepared by our French and American colleagues, which made it more balanced in nature, without, however, fully freeing it of negativism with respect to Syria — unnecessary in the current situation. We continue to oppose unwarranted pressure on Damascus, as well as interpretations with respect to the degree and nature of Syrian cooperation with international investigators that are not in keeping with the conclusions of the Mehlis Commission.

We have noted that Damascus began cooperating with the Mehlis Commission on the basis of the provisions of resolution 1636 (2005). So far, the Syrian side has taken only initial steps in that respect; it still has considerable distance to cover.

The Security Council must monitor the manner in which the Syrian side meets its obligations and, where necessary, assist it.

We would also reiterate Russia's firm conviction of the need to continue efforts to establish the facts with respect to the circumstances surrounding the death of the former Prime Minister of Lebanon, Rafik Hariri.

The President: I give the floor to the representative of Lebanon.

Mr. Assaf (Lebanon) (*spoke in Arabic*): I would like to begin by thanking the Security Council for

having adopted resolution 1644 (2005) unanimously. The adoption by the Council of this resolution is proof of the Council's commitment to helping Lebanon in the very difficult circumstances in which our country finds itself. This is in accordance with the Council's responsibility for the maintenance of international peace and security, in particular in the light of the terrorist bombings that took place in Lebanon between 1 October 2004 — the date of the attempted assassination of Minister Marwan Hamadeh — and the time of the assassination of Prime Minister Rafik Hariri, as well as other attacks, including the terrorist bombing the day before yesterday that claimed the life of Gibran Tueni, who was a Member of Parliament.

We thank the Security Council for its commitment and assure it that the Lebanese people will continue to steadfastly face all of the challenges and dangers inherent in preserving the unity, stability and independence of Lebanon. We will not turn back on this path.

The President: I give the floor to the representative of the Syrian Arab Republic.

Mr. Mekdad (Syrian Arab Republic) *(spoke in Arabic)*: I should like to express my appreciation for this opportunity to make a few brief comments on the resolution just adopted by the Security Council.

I should like at the outset to express my country's appreciation for the efforts made by many States members of the Council to prevent the adoption of a resolution contravening international law, the principles of the Charter and the role of the Security Council in the maintenance of international peace and security.

I would like to reiterate that, despite the full cooperation shown by Syria within the framework of its sovereignty and the rights of its citizens, in accordance with international law and humanitarian law, certain States, because of their narrow interests, insisted on saying that we have not positively cooperated with the International Independent Investigation Commission or with respect to the implementation of the relevant resolutions in a record short time, even though many of the resolutions on the Middle East that have been adopted over the past 38 years have yet to be implemented.

It is regrettable that, although we have clearly stated that contacts between Syria and the Commission were under way and that efforts were being made by both sides to reach mutual agreement on issues relating to the questioning of Syrian citizens, some have chosen to overlook everything we have stated, have reached selective conclusions based on the Commission's report, and have used them in a distorted way against my country.

Syria has discharged its responsibilities in a spirit of sincerity, certain as it was that a professional and objective investigation would lead to Syria's being cleared. We have not cooperated with the Commission just to please certain parties, but because we wanted to cooperate.

During the preceding period, we informed the Council, via letters to all of its members, about all of our actions and efforts. Regrettably, some Council members did not even want to take note of these letters.

To bring pressure to bear and to attempt to impose one's will on others runs counter to the principles governing relations among States, which must be based on mutual respect, constructive dialogue and openness to others.

Lastly, let me reiterate Syria's firm commitment fully to cooperate with the Commission during the coming period.

The President: The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 5.50 p.m.